

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRIAN LAWRENCE, et al.,

2:09-CV-2061 JCM (LRL)

Plaintiffs,

V.

BANK OF AMERICA, et al.,

Defendants

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ORDER

15 Presently before the court is the case of *Lawrence et al v. Bank Of America et al,*
16 (2:09-cv-02061-JCM-LRL).

17 Federal Rule of Civil Procedure 4(m) provides: “If a defendant is not served within 120 days
18 after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — must
19 dismiss the action without prejudice.” Plaintiffs filed this complaint against defendants in the Eighth
20 Judicial District Court in Clark County, Nevada on October 5, 2009 (Doc. #1). Defendant Bank of
21 America removed this action to this court on October 26, 2009 (Doc. #1). To date, all defendants
22 except First Magnus Financial Corporation have been dismissed from the case.

On February 19, 2010, the clerk of the court provided notice to the plaintiffs that this action would be dismissed as to defendant First Magnus Financial Corporation pursuant to Federal Rule of Civil Procedure 4(m) if plaintiffs did not file proof of service of process by March 21, 2010 (Doc. #24). Additionally, plaintiffs represented that they do not intend to serve First Magnus Financial Corporation because the company is no longer in business (Doc. #34).

